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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,585	02/19/2002	Thomas Knodler	3105.002USU	6312

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01/17/2006

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2656

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,585	KNODLER ET AL.	
	Examiner	Art Unit	
	Aristotelis M. Psitos	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicants' response of 12/7/05 has been considered with the following results.

Specification

The amended title of the invention is greatly appreciated and has been entered.

Drawings

The corrected drawings filed 12/1/05 have been made of record and are entered. The examiner thanks applicants' cooperation.

Claim Objections

1. Claims 1-10 are objected to because, in claim 1, the ultimate paragraph recites a desired function; however, such is not understood, i.e., " --- or vice versa ---". Further clarification is respectfully required. No analysis of such a phrase is contemplated in the following action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants' have amended the claims to now recite in the penultimate to ultimate line of claim 1:

" --- for visibly decoding the information on the information carrier, ---". However, as originally filed, the examiner can find no support for such a limitation. Further clarification is respectfully required.

The remaining dependent claims do not clarify the above and fall with the parent claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Katz considered with Yeh et al and all further considered with Bryngdahl.

The following analysis is made:

Claim 1:	Katz et al
An information carrying device comprising	Title/abstract
A carrier with at least one external surface	record element 10
for the readout of optically readable information; and	fig. 1 credit card
a transparent film for copy protection with a property that	second image
rotates the polarization of the readout light,	see element 106 fig.
on the at-least one external surface, wherein	
the optically readable information contains	see element 104 fig.
holographically recorded information, wherein the copy-	10
protection film includes surface segments,	col. 5, lines 60 plus
of different polarization-rotating	& Bryngdahl

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wherein the surface segments viewed together,
show an information pattern that contains coded information, yes
at least in part,

wherein the optically readable information on yes
the information carrier
also contains coded information, at least in part, see col. 6, lines
and wherein the coded information of the copy-protection 1-36.
film comprises a decoding key for the coded
information of the information carrier for visibly
decoding the information on the information carrier, or vice versa.

As analyzed above, a record carrier – the credit card has a holographic image – hologram 104 on a surface thereof. Overlaying this surface is a second image 106, which as discussed in col. 6 lines 1-36 is used/relied upon in order to decrypt the information from both image surfaces in order for proper authentication. The second image 106, or alternatively 108 is related, can be another hologram.

Under 102 considerations the examiner interprets the second image as containing the protection property recited in claim 1 above, i.e., it rotates the polarization of the readout light – since it is also a hologram.

Alternatively, if applicants' can convince the examiner that such is not inherently present, then under 103 considerations the examiner relies upon Yeh et al as further modified by Bryngdahl – see the discussion with respect to the generation of appropriate patterns in Yeh et al starting at col. 2 lines 25-29 and in Bryngdahl – starting at col. 2 line 16 till end of the disclosure, i.e., the entire document which continues to discuss Moiré patterns creation by polarization.

It would have been obvious to modify the base system of Katz et al with the additional teaching from Yeh et al and Bryngdahl, motivation is to provide for an appropriate decoding film, which the examiner interprets, meets the claimed copy protection film limitation.

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The limitation of claim 2 is considered met by the above combination of references, i.e., a "safety seal".

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

With respect to the newly inserted limitation focusing upon "visibly decoding" although the examiner finds no clear support in the specification for such, it is noted that the base reference to Katz provides for a visual hence visible decoding capability by the interaction of the various film layers as identified above.

With respect to the argument(s) focusing upon the rotating affect, as noted in Bryngdahl such a rotating effect is enabled/achieved by the appropriate orientation of the two gratings – see col 3 lines 15 plus for additional explanation.

4. Claims 3, 4,5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above and further in view of Toye et al.

With respect to claims 3,4,and 5 although the base reference disclose lamination, there is no specific mention of an adhesive, or the transparent perforations. Toye et al discloses the ability of using adhesives in this environment for their inherent use/ability as well as having a plurality of transparent perforations wherein such perforations are responsive to particular light transmissivities (colored gelatin for example) and may or may not be related to color – see col. 4 lines 32-45 for instance.

The examiner interprets such as meeting/teaching the limitations of these claims.

It would have been obvious to modify the base system as stated above with respect to claims 1 and 2 with the above teachings from Toye et al, motivation is as discussed in Toye et al, to increase the security of the document.

With respect to claim 9, as interpreted by the examiner Toye et al permits his material to provide appropriate material for various colors, hence meeting this claims limitations. Since no specific/detail

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disclosure is found to define these ratios the examiner concludes that such is met by the Toye et al document.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 2 as stated above, and further in view of Stenzel.

The ability of having a luminous layer is taught by the fluorescent layer 3 in the Stenzel document.

It would have been obvious to modify the base system as stated above with the additional teaching from Stenzel, again motivation is to increase the security of the document.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Samyn.

With respect to the particular range as specified by claim 7, such is taught by the Samyn document – see the discussion at col. 2 starting at line 1.

It would have been obvious to modify the base system as relied upon with respect to claim 6 with the additional teaching from Samyn, motivation is to increase the security of the end product.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Fujita et al.

Fujita et al – teaches the ability “shielding” layers in this environment – see especially the overall description with respect to figure 2. Since Toye et al provides for “holes”, the examiner interprets the claimed phrase “point light mask” as being a shielding layer (mask) with holes therein. Hence, the examiner concludes that because shields/masks in this environment are known for their ability to increase the security of the end product, the ability of having a “point light mask” (thing of a holy layer) as met by the above combination of references and obvious to one of ordinary skill in the art. Alternatively, familiar with such “point light mask” is well known from that familiar childhood game, “peek –a- boo”, using one’s hands as the mask, and spreading ones’ fingers accordingly. In an event, the examiner concludes that such is obvious to one of ordinary skill in the art.

With respect to the placement of this mask, Fujita et al does disclose the placing of his shield at various layers/positions with respect to the information layer. Placing such a mask in the particular location is mere considered an obvious variant predicated upon manufacturing costs, etc.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above, and further in view of Curiel.

With respect to claim 10, the ability of providing a molded (injected) as the information structure yielding the appropriate diffraction is taught by the above noted Curiel document , see col. 2 lines 53 plus.

It would have been obvious to modify the base system with the above injection molding technique, motivation is to provide an appropriate manufactured article using existing techniques and hence saving valuable resources in not having to redesign manufacturing equipment to create the article/hologram.

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Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1,2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of Yeh et al or Bryngdahl. The following analysis is made:

Pending claim 1	674776
An information carrying device comprising	claim 1
a carrier with at least one external surface	inherent carrier and surface
for the readout of optically readable	
information; and	
a transparent film for copy protection,	see claim 10 &
with a property that rotates the polarization	

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of the readout light, on the at-least one
external surface;

wherein the optically readable information see claim 1
contains holographically recorded information,

wherein the copy-protection film includes surface see 2nd references
segments of different polarization-rotating properties,

wherein the surface segments, inherent
viewed together, show an information pattern that
contains coded information, at least in part, and

wherein the optically readable information inherent
on the information carrier also contains coded
information, at least in part, and

wherein the coded information of the copy-protection claim 8 &
film comprises a decoding Yeh et al
key for the coded information of the information
carrier for visibly decoding the
information on the information carrier,
or vice versa.

In the above analysis, the above-patented claims are drawn to an information carrier wherein as
defined by claims 1 and 10 include the transparent film and function thereof – see claim 10/1.

The additional capability of using this copy protection film as the decoding element/ i.e., provide
the decoding key is considered an obvious modification with the additional limitation of claim 8/1 and from

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Yeh et al – see the analysis above in paragraph 3, i.e., the use of a second layer as the decoding layer/key from either Yeh et al or Bryngdahl.

8. Claim, 3,4,5, and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of either Yeh et al or Bryngdahl and all further considered with Toye et al.

With respect to claims 3,4,and 5 although the base reference disclose lamination, there is no specific mention of an adhesive, or the transparent perforations. Toye et al discloses the ability of using adhesives in this environment for their inherent use/ability as well as having a plurality of transparent perforations wherein such perforations are responsive to particular light transmissivities (colored gelatin for example) and may or may not be related to color – see col. 4 lines 32-45 for instance.

The examiner interprets such as meeting/teaching the limitations of these claims.

It would have been obvious to modify the base system as stated above with respect to claims 1 and 2 with the above teachings from Toye et al, motivation is as discussed in Toye et al, to increase the security of the document.

With respect to claim 9, as interpreted by the examiner Toye et al permits his material to provide appropriate material for various colors, hence meeting this claims limitations. Since no specific/detail disclosure is found to define these ratios the examiner concludes that the Toye et al meet such

9. Claim 6 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of either Yeh et al or Bryngdahl and all further considered with Stenzel.

The ability of having a luminous layer is taught by the fluorescent layer 3 in the Stenzel document.

It would have been obvious to modify the base system as stated above with the additional teaching from Stenzel, again motivation is to increase the security of the document.

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10. Claim 7 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of either Yeh et al or Bryngdahl and all further considered with Samyn.

With respect to the particular range as specified by claim 7, such is taught by the Samyn document – see the discussion at col. 2 starting at line 1.

It would have been obvious to modify the base system as relied upon with respect to claim 6 with the additional teaching from Samyn, motivation is to increase the security of the end product.

11. Claim 8 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of either Yeh et al or Bryngdahl and all further considered with Stenzel as relied upon in paragraph 9 and all further considered with Fujita et al.

Fujita et al – teaches the ability “shielding” layers in this environment – see especially the overall description with respect to figure 2. Since Toye et al provides for “holes”, the examiner interprets the claimed phrase “point light mask” as being a shielding layer (mask) with holes therein. Hence, the examiner concludes that because shields/masks in this environment are known for their ability to increase the security of the end product, the ability of having a “point light mask” (thing of a holy layer) as met by the above combination of references and obvious to one of ordinary skill in the art. Alternatively, familiar with such “point light mask” is well known from that familiar childhood game, “peek –a- boo”, using one’s hands as the mask, and spreading ones’ fingers accordingly. In an event, the examiner concludes that such is obvious to one of ordinary skill in the art.

With respect to the placement of this mask, Fujita et al does disclose the placing of his shield at various layers/positions with respect to the information layer. Placing such a mask in the particular location is mere considered an obvious variant predicated upon manufacturing costs, etc.

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12. Claim 10 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10/1 and 8 of U.S. Patent No. 6,747,768 in view of either Yeh et al or Bryngdahl and all further considered with Curiel.

With respect to claim 10, the ability of providing a molded (injected) as the information structure yielding the appropriate diffraction is taught by the above noted Curiel document , see col. 2 lines 53 plus.

It would have been obvious to modify the base system with the above injection molding technique, motivation is to provide an appropriate manufactured article using existing techniques and hence saving valuable resources in not having to redesign manufacturing equipment to create the article/hologram.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang, Daniel et al, Dovgodko et al all teach the ability of a secondary "safety" film that is relied upon in cooperation with a base image (hologram) in order for proper authorization/decoding of the image.

Tompkin et al teach placing holographic films/decals onto cds.

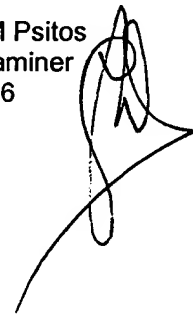
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
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A handwritten signature in black ink, appearing to be 'AMP', written over the printed name of the examiner.

AMP